

## DECISION AND FINDING OF NO SIGNIFICANT IMPACT

### Cervid Damage Management in Kentucky

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife in Kentucky. WS has prepared an environmental assessment (EA) that analyzes alternatives for managing damage caused by species of the family Cervidae ("cervids"), including white-tailed deer (*Odocoileus virginianus*) American elk (*Cervus elaphus*), European fallow deer (*Dama dama*), and various species of exotic captive-bred / captive-reared cervids in special management habitats in Kentucky. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). An EA was prepared in this case to facilitate planning, interagency coordination, and the streamlining of program management, and to clearly communicate with the public the analysis of cumulative impacts. The predecisional EA released by WS in July-August, 2001 documented the need for cervid damage management in special management habitats, which includes urban and industrial environments, in the State, and assessed potential impacts of various alternatives for responding to cervid damage problems. The EA is tied to the programmatic Environmental Impact Statement (EIS) for the Wildlife Services Program<sup>1</sup> (USDA 1997).

WS's proposed action was to align WS cervid damage management actions with the Kentucky Department of Fish and Wildlife Resources (KDFWR) wildlife management program which incorporates and implements strategies for managing damage caused by cervids in special management habitats, where the present farm/land owner cervid damage management program does not meet damage management objectives set by KDFWR. This program would be conducted upon requests for WS Cervid Damage Management services and would be designed to address cervid damage at localized sites on a case by case basis using Integrated Wildlife Damage Management strategies. Based on the analysis in the EA, I have determined that there will not be a significant impact, individually or cumulatively, on the quality of the human environment from implementing the proposed action, and that the action does not constitute a major federal action significantly affecting the quality of the human environment.

#### Public Involvement

The Pre-Decisional EA was available for public review and comment during a 35-day period (July 19 - August 22, 2001), which complies with or exceeds public involvement guidelines/policies contained in NEPA, CEQ regulations, and APHIS WS's Implementing Regulations, as well as all pertinent agency laws, regulations, and policies. A Legal Notice of Availability was placed in Louisville Courier Journal, a daily newspaper with geographic coverage of all of the proposed project area, for three days (July 18 - 20, 2001). EA's were made available for review at three locations including the Louisville, Kentucky WS District Office, and copies were available by request through the U.S. Mail.

The Pre-Decisional EA was mailed directly to organizations with probable interest in the proposed program: Humane Society of the United States, and The Fund For Animals.

#### Major Issues

Several issues were deemed relevant to the scope of this EA. These issues were consolidated into the following six primary issues to be considered in detail:

- Effects on Target Cervid Populations
- Effects on Nontarget Species Populations, Including Threatened and Endangered Species
- Effects on Human Health and Safety
- Effects on Aesthetics
- Humaneness of Lethal Methods Used To Take Cervids
- Effects on Regulated Cervid Hunting

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<sup>1</sup> USDA (U.S. Department of Agriculture), Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC). 1997. Animal Damage Control Program, Final Environmental Impact Statement. Anim. Plant Health Inspection Serv., Anim. Damage Control. Hyattsville, MD. Volume 1, 2 & 3.

### **Alternatives Analyzed in Detail**

Two potential alternatives were developed to address the issues identified above. Four additional alternatives were considered but not analyzed in detail. Details of the anticipated effects of the alternatives on the objectives and issues are described in the EA. The following summary provides a brief description of each alternative and its anticipated impacts.

**Alternative 1. No Action/ Current Program** Under this alternative, there would be no WS involvement in activities to reduce cervid damage to agriculture, human health and/or safety, property, or natural resources in Kentucky. Local governments, businesses, organizations and individuals requesting assistance with reduction of cervid damage to special management habitats would contact KDFWR and be provided with information on techniques, tools, and programs. KDFWR would continue to issue permits to landowners/farmers in rural settings for shooting some cervid species to reduce agricultural damage and would continue to administer hunting seasons aimed at achieving cervid population objectives for zones and for the State. A slight positive effect on target cervid populations, human health and/or safety, and regulated hunting could be expected from this alternative. No negative effects would occur to nontarget or threatened or endangered species. Some people may be negatively affected by killing of cervids under this alternative, as a result of aesthetic views or because it would be considered inhumane.

**Alternative 2. Proposed Action/WS Conducts a Cervid Damage Management Program** which pursues objectives in agreement with KDFWR's broader Cervid Management Program to reduce threats to public safety, and damage to property and natural resources, or to resolve cervid damage in special circumstances. Positive effects are expected regarding target cervid populations and human health and/or safety from this alternative. No negative effects are expected to nontarget species populations, including threatened and endangered species, and no effect is expected regarding regulated hunting of cervids. Some people may be negatively affected by killing of cervids under this alternative, as a result of aesthetic views or because it would be considered inhumane.

**Alternatives considered but not analyzed in detail were:**

#### **WS Provision of Technical Assistance and/or Nonlethal Operational Assistance**

Under this alternative KDFWR has, and could use, the legal authority, expertise, and personnel to conduct and facilitate the current integrated cervid management program by providing technical information, establishing and monitoring regulated cervid hunting seasons, and administering a community-based cervid management program. WS has, and could use, the expertise, training, and legal authority to assist in conducting cervid damage management activities. This alternative was eliminated from further analysis because it would fail to accomplish management objectives of KDFWR for reducing damage caused by cervids in special management habitats.

#### **KDFWR Compensates Participants For Cervid Damage Losses**

The compensation alternative would require the establishment of a system to reimburse State or Local governments, business, industry, and individuals for cervid damage. This alternative was eliminated from further analysis because no Federal or State laws, regulations, policies, programs, or funding currently exist to authorize such action. Aside from lack of legal authority, analysis of this alternative in the FEIS (USDA 1997), and discussion in the literature (Wagner et al. 1997) indicates that the concept has many drawbacks, some of which are itemized in this EA.

#### **Cervid Population Reduction Through Reproductive Control**

Cervids would be sterilized or contraceptives administered to limit their ability to produce offspring. Contraceptive measures for cervids can be grouped into four categories: surgical sterilization, oral contraception, hormone implantation, and immunocontraception (the use of contraceptive vaccines). These techniques would require that cervids receive either single, multiple, or possibly daily treatment to successfully prevent conception. The use of this method would be subject to approval by Federal and State Agencies. This alternative was not considered in detail because: (1) it would take a number of years of implementation before the cervid population would decline, therefore, damage would continue at the present unacceptable levels for a number of years; (2) surgical sterilization would have to be conducted by licensed veterinarians, would therefore be cost prohibitive, and has thus been rejected as an alternative by the KDFWR; (3) it is difficult to effectively live trap or chemically capture the number of cervids that

would need to be sterilized in order to effect an eventual decline in the population; (4) no chemical or biological contraceptives for cervids have been approved for use by state and federal regulatory authorities.

### **Trap and Relocate Cervids**

This alternative would involve capturing cervids alive using cage-type live traps followed by relocation of the captured cervids to another area. KDFWR has rejected such a proposal because no suitable relocation sites are available, since all cervid management zones currently exhibit, or exceed, population density objectives. In addition, population reduction achieved through capture and relocation is labor intensive, and would be costly (\$273-\$2,876/cervid) (O'Bryan and McCullough 1985, Bryant and Ishmael 1991). Physiological trauma and cervid mortality during capture and transportation would be high and cervid mortality after translocation has ranged from 25-89% (Jones and Witham 1990, Mayer et al. 1993). Although translocated cervids usually do not return to their location of capture, some do settle in familiar suburban habitats and create nuisance problems for those communities (Bryant and Ishmael 1991). The American Veterinary Medical Association, The National Association of State Public Health Veterinarians, and the Council of State and Territorial Epidemiologists opposes relocation of mammals because of the risk of disease transmission (USDA 1997). High mortality rates of translocated cervids, combined with the manner in which many of these animals die, make it difficult to justify translocation as a humane alternative to removal methods (Bryant and Ishmael 1991). Some specific activities in the proposed alternative might however, require trapping and relocation or euthanasia of occasional cervids.

The effects of implementing the proposed action, when added to the other past, present, and reasonably foreseeable future actions, will not significantly affect the quality of the human environment. This determination takes into consideration the following factors:

1. Cervid Damage Management, as conducted by WS in Kentucky, is not regional or national in scope. Project sites will be dispersed throughout Kentucky, will be of small area, and activities at sites will not impact local or regional populations of cervids.
2. Based on the analysis documented in the EA, the impacts of the proposed action will not significantly affect public health or safety. The proposed action is expected to result in an indirect beneficial impact on public health and safety by reducing the potential risk of transmission of disease and by reducing the potential for vehicle hazards. Concern for the effects of WS methods on public safety was addressed in the EA. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. The proposed action will not have a significant impact on unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations that govern impacts on the wildlife and other national resources will assure that significant adverse impacts on such resources are avoided.
4. The effects on the quality of the human environment are not highly controversial. Although there may be opposition to killing cervids, this action is not controversial in relation to size, nature, or effects. Based on consultations with the State wildlife management authorities, the proposed action is not likely to cause a controversial disagreement among the appropriate resource professionals.
5. Mitigation measures adopted and/or described as "part of the proposed action" minimize risks to the public, prevent adverse effects on the human environment, and reduce uncertainty and risks. Effects of methods and activities, as proposed, are known and do not involve uncertain or unique risks.
6. The proposed action does not establish a precedent for future actions. This action would not set a precedent for future cervid damage management that may be implemented or planned within the State. Effects of the proposed action are minor and short-term in nature and similar actions have occurred previously in the State without significant effects.
7. The number of animals that will be taken by WS annually is small in comparison to total populations. Adverse effects on wildlife or established wildlife habitats would be minimal.

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8. The EA discussed cumulative effects of WS on target and nontarget species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
9. This action will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic resources. Wildlife damage management would not disturb soils or any structures and therefore would not be considered a "Federal undertaking" as defined by the National Historic Preservation Act.
10. The taking of target species in the State is not an irretrievable or irreversible loss of a resource. The environmental consequences chapter of the EA discusses the effects of the proposed action and concludes that WS take of target species is insignificant to overall populations.
11. WS determined that the proposed project would not adversely affect Federally listed threatened or endangered species.
12. The proposed action is consistent with local, state, and federal laws that provide for or restrict WS wildlife damage management. Therefore, WS concludes that this project is in compliance with Federal, State and local laws for environmental protection.

#### DECISION

I have carefully reviewed the Environmental Assessment (EA) prepared for this proposal, and it is my determination that the proposed action does not constitute a major Federal action and will not significantly affect the quality of the human environment. As such, an environmental impact statement will not be prepared. Therefore, it is my decision to implement the proposed action as described in the EA.

Additional copies of the EA are available upon request from USDA, APHIS, WS, 3231 Ruckriegel Parkway, Suite 107, Louisville, KY 40299.

  
Charles S. Brown  
Acting Eastern Regional Director  
USDA-APHIS-WS

10/30/01  
Date